

FILED
U.S. DIST. COURT
BRUNSWICK DIV.

In the United States District Court
for the Southern District of Georgia

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Brunswick Division

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SO. DIST. OF GA.

OLIN WOOTEN, OLIN WOOTEN	:	CIVIL ACTION
TRANSPORT COMPANY, INC.,	:	
and ATLANTIC COAST CARRIERS,	:	
INC.,	:	
Plaintiffs,	:	
v.	:	
ALTAMAHIA BANK AND TRUST,	:	
AMANDA LETICIA VARNADORE,	:	
and ADORNA L. POWELL,	:	
Defendants.	:	NO. CV203-100

O R D E R

Presently before the Court is Plaintiffs' motion seeking clarification of the portion of the Court's May 23, 2005, Order addressing checks drawn on the Bank of Hazelhurst account.

In its summary judgment motion, Altamaha Bank requested that the Court limit Plaintiffs' recovery for checks drawn on the Bank of Hazelhurst account of which Plaintiffs had already been compensated pursuant to a settlement agreement. Altamaha Bank argued that Atlantic Carriers was precluded from recovery

for any checks drawn on the Bank of Hazelhurst account because Plaintiffs had been compensated for any losses attributed to those checks by the terms of the settlement agreement entered into by Plaintiffs and the Bank of Hazelhurst.

As indicated in the Court's May 23 Order, it is not clear to the Court that Atlantic Carriers is seeking damages from Altamaha Bank for checks drawn on Atlantic Carriers' account at the Bank of Hazelhurst. In the event, however, that Atlantic Carriers obtains a judgment against Altamaha Bank for checks for which it has already been compensated by the Bank of Hazelhurst, said judgment would amount to an impermissible double recovery.

Accordingly, the Court granted Altamaha Bank's request that Plaintiffs' recovery for checks drawn on the Bank of Hazelhurst account be limited. In the event that any judgment obtained by Atlantic Carriers against Altamaha Bank includes damages for checks drawn on the Bank of Hazelhurst account for which Atlantic Carriers has already been compensated, Altamaha Bank would be entitled to a set-off.

SO ORDERED this 22 day of June, 2005.


Anthony D. Alaimo
JUDGE, UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA